



Entered on Docket
April 17, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING AMENDED
OBJECTION OF USACM TRUST TO
AUGUSTINE TUFFANELLI FAMILY
TRUST'S PROOF OF CLAIM**

Hearing Date: April 10, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Amended Objection Of USACM Trust To
2 Augustine Tuffanelli Family Trust’s Claim” [Docket No. 6864] (the “Objection”); with
3 appearances as set forth in the record at the hearing noted above; appropriate notice of the
4 Objection having been given; no response to the Objection having been filed; and good
5 cause appearing:

6 **IT IS HEREBY ORDERED** that:

- 7 1. The Objection is sustained; and
8 2. Proof of Claim No. 10725-02572 is disallowed in its entirety as against USA
9 Commercial Mortgage Company (“USACM”). This order does not affect Augustine
10 Tuffanelli Family Trust’s claim against USA Capital Diversified Trust Deed Fund, LLC.

11 # # #

12 DATED AND SIGNED ABOVE.

13 **Prepared by:**

14 **LEWIS AND ROCA LLP**

15 By /s/ JH (AZ 010824)

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22 *Attorneys for USACM Liquidating Trust*

23 *APPROVED/DISAPPROVED*

24 /s/

25 August Landis

26 Office of the U.S. Trustee

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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By: /s/JH (AZ 010824)
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